

1 WILLIAM D. BEIL (admitted *pro hac vice*)
2 JASON M. HANS (admitted *pro hac vice*)
3 ROUSE HENDRICKS GERMAN MAY PC
4 1201 Walnut, 20th Floor
5 Kansas City, Missouri 64106
Telephone: (816) 471-7700
Facsimile: (816) 471-2221
E-mail: billb@rhgm.com
E-mail: jasonh@rhgm.com

6 JEFFREY E. FAUCETTE (No. 193066)
SKAGGS FAUCETTE LLP
7 One Embarcadero Center, Suite 500
San Francisco, California 94111
8 Telephone: (415) 315-1669
Facsimile: (415) 433-5994
9 E-mail: jeff@skaggsfaucette.com

10 | Attorneys for Relator CHRIS MCGOWAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA *ex rel.*
CHRIS McGOWAN, an individual.

18 Plaintiff.

19 | V.

20 KAISER FOUNDATION HEALTH PLAN,
21 INC., a California Corporation.

22 || Defendant.

Case No.: CV-09-5984 (JSW)

**STIPULATION AND [PROPOSED]
ORDER RE UNSEALING OF
SUBSTANTIAL PORTIONS OF
SUMMARY JUDGMENT RECORD IN
ACCORDANCE WITH SETTLEMENT
AGREEMENT BETWEEN THE PARTIES
AND TERMINATING DOCKET NOS. 142 AND 169
AND DIRECTING PARTIES TO FILE REDACTED
VERSIONS IN ACCORDANCE WITH ORDER**

WHEREAS, on June 9, 2014, the Court ordered Defendant to show cause under the “compelling reasons” standard why the Court should not lift the seal on those portions of the briefing and evidentiary submissions that were filed under seal in connection with Kaiser’s motion for summary judgment (“Show Cause Order”) (Doc. #146);

1 WHEREAS, on June 27, 2014, Defendant moved to maintain the seal on all documents
2 and portions of documents listed in Exhibit A to its Brief in Support of Previously Filed
3 Administrative Motions to File Under Seal (Doc. #162);

4 WHEREAS, on July 8, 2014, Relator opposed Kaiser's motion to maintain the seal on all
5 documents listed in Exhibit A (Doc. #168);

6 WHEREAS, the parties also disagreed about the portions of the summary judgment oral
7 argument transcript that should be sealed;

8 WHEREAS, on July 31, 2014, the Court ordered the parties to meet and confer in an effort
9 to resolve their disagreement over the documents that should remain under seal, and, if they were
10 unable to resolve their disagreement, to submit a chart by September 30, 2014, showing both the
11 documents that the parties agreed should remain sealed and the documents about which they
12 disagreed over the need for sealing;

13 WHEREAS, on September 30, 2014, the Parties filed their Joint Submission in Response
14 to the Court's Order Directing the Parties to Meet and Confer Regarding Order to Show Cause on
15 Sealing (ECF 180) (Doc. # 188) which included as "Exhibit A" ("ECF 180 Exhibit A") a chart
16 setting forth the following:

17 (1) Section 1: Documents, or portions thereof, and exhibits, or portions thereof, for which
18 the parties agree there are compelling reasons to remain under seal;

19 (2) Section 2: Documents, or portions thereof, and exhibits, or portions thereof, that the
20 parties agree should be unsealed; and

21 (3) Section 3: Parties' remaining disputes;

22 WHEREAS, on October 7, 2014, the parties settled this case, including their dispute over
23 the documents that should remain under seal, at a settlement conference conducted by United
24 States Magistrate Judge Laurel Beeler (Doc. # 193); and agreed to file a Joint Stipulation that the
25 parties request be incorporated into an Order of this Court directing that the seal remain in place
26 for the documents that the parties agreed for compelling reasons should be sealed, and directing
27 that all other documents or portions of documents be unsealed.

28

1 IT IS STIPULATED AND AGREED between Mr. McGowan and Kaiser that all
2 documents identified in Section 2 of ECF 180 Exhibit A (Doc. # 188) will be unsealed;

3 IT IS STIPULATED AND AGREED between Mr. McGowan and Kaiser that all
4 documents identified in Section 3 of ECF 180 Exhibit A will be unsealed, with the exception of a
5 small number of documents or the portions thereof that contain non-public numbers, values,
6 percentages, and/or other figures which the parties agree should remain under seal for compelling
7 reasons. Those documents, exhibits, transcripts, or portions thereof which the parties agree should
8 remain under seal for compelling reasons are those specifically identified in Column 3 of Section
9 3 of ECF 180 Exhibit A, plus a few others as reflected in correspondence and as agreed to by the
10 parties. All other documents, exhibits, transcripts or portions thereof, identified in Section 3 of
11 ECF 180 Exhibit A referred to above shall be unsealed;

13 IT IS FURTHER STIPULATED AND AGREED between Mr. McGowan and Kaiser that
14 the documents, or portions thereof, exhibits, or portions thereof, and hearing transcript, or portions
15 thereof identified in Section 1 of ECF 180 Exhibit A shall remain under seal; and

17 IT IS FURTHER STIPULATED AND AGREED between Mr. McGowan and Kaiser that
18 any other documents, or portions thereof, exhibits, or portions thereof, and hearing transcript, or
19 portions thereof relating to the summary judgment filings and/or response to the Court's Show
20 Cause Order (ECF 146) that were originally filed under seal and which are not mentioned in
21 Exhibit A, shall be unsealed.

22 Upon the Court's entry of an Order consistent with this Joint Stipulation, the parties shall
23 promptly re-file the summary judgment briefs and exhibits with only those parts of the briefs and
24 exhibits under seal as specified in the Order which the parties agree are properly sealed because
25 there are "compelling reasons" to do so.
26

27
28

1 Dated: December 7, 2014

WILLIAM D. BEIL
JASON M. HANS
ROUSE HENDRICKS GERMAN MAY PC

JEFFREY E. FAUCETTE
SKAGGS FAUCETTE LLP

By: _____ /s/
William D. Beil

Attorneys for Relator CHRIS McGOWAN

9 Dated: December 7, 2014

DAVID W. O'BRIEN
JUSTIN P. MURPHY
NIMROD HAIM AVIAD
CROWELL & MORING LLP

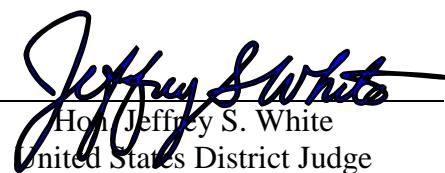
12 By: _____ /s/
13 David O'Brien

14 Attorneys for Defendant KAISER FOUNDATION
15 HEALTH PLAN, INC.

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.
17

The parties shall file redacted versions of the
documents identified in this Order in the public
record by no later than December 15, 2014.

18 Dated: December 8, 2014

20 
21 Hon. Jeffrey S. White
22 United States District Judge